

## Message Text

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PAGE 01 CARACA 06651 172239Z  
ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 SOE-02 AID-05 CEA-01 CIAE-00  
COME-00 DODE-00 DOE-15 H-01 INR-10 INT-05 L-03  
NSAE-00 NSC-05 OMB-01 PM-05 ICA-11 OES-09 SP-02  
SS-15 STR-07 TRSE-00 ACDA-12 /128 W  
-----063268 172251Z /62  
P 172237Z JUL 78  
FM AMEMBASSY CARACAS  
TO SECSTATE WASHDC PRIORITY 3059

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E.O. 11652: N/A  
TAGS: ENRG EINV VE  
SUBJECT: OCCIDENTAL PETROLEUM - SUPREME COURT HANDS DOWN DECISION

1. AS THE DEPARTMENT IS AWARE, OCCIDENTAL PETROLEUM WAS BARRED FROM CLAIMING COMPENSATION WITH OTHER FOREIGN OIL COMPANIES BY PENDING CHARGES OF ATTEMPTED BRIBERY OF VENEZUELAN OFFICIALS. IN MAY OF 1977 OCCIDENTAL BROUGHT SUIT BEFORE THE VENEZUELAN SUPREME COURT AGAINST THE GOV FOR PAYMENT OF COMPENSATION FOR THE NATIONALIZATION OF ITS LAKE MARACAIBO INVESTMENTS. PROGRESS ON THE SUIT WAS DELAYED WHEN THE VENEZUELAN ATTORNEY GENERAL FILED A BRIEF WITH THE SUPREME COURT CLAIMING THAT OCCIDENTAL HAD NO RIGHT TO SUE.

2. PAUL FITZGIBBON, OCCIDENTAL'S LOCAL REPRESENTATIVE, HAS ADVISED EMBASSY THAT SUPREME COURT RULE LAST WEEK THAT OCCIDENTAL DOES HAVE RIGHT TO SUE, AND THAT ATTORNEY GENERAL'S BRIEF WAS LEGALLY DEFECTIVE. ACCORDING TO FITZGIBBON, DECISION REMOVES A PROCEDURAL IMPEDIMENT, AND IS NOT A DECISION ON MERITS OF OCCIDENTAL'S CLAIM FOR COMPENSATION. NEXT STEP IN PROCESS--ATTORNEY GENERAL MUST ANSWER SUIT FILED BY OCCIDENTAL FOURTEEN  
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MONTHS AGO BY PREPARING BRIEF FOR SUPREME COURT ANSWERING OCCIDENTAL'S SUIT. ACCORDING TO FITZGIBBON, THERE IS NO TIME DEADLINE ESTABLISHED BEFORE WHICH ATTORNEY GENERAL MUST HAVE FILED HIS REPLY TO OCCIDENTAL'S CLAIM. FITZGIBBONS THEREFORE BELIEVES THAT WHILE LAST WEEK'S SUPREME COURT DECISION REMOVES PROCEDURAL IMPEDIMENT, COMPANY MAY STILL BE MONTHS AWAY FROM DECISION ON

MERITS OF CLAIM.

3. EMBASSY OBTAINING AND WILL POUCH TO DEPTARTMENT  
COPY OF SUPREME COURT DECISION.  
CROWLEY

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SUPREME COURT, COURTS  
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**Draft Date:** 17 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978CARACA06651  
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**Review Markings:**  
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